



Nevada State Board of Medical Examiners

* * * M I N U T E S * * *

OPEN SESSION BOARD MEETING

Conference Room at the Offices of the
NEVADA STATE BOARD OF MEDICAL EXAMINERS
1105 Terminal Way, Suite 301
Reno, Nevada 89502

FRIDAY, MARCH 1, 2002
and
SATURDAY, MARCH 2, 2002

FRIDAY, MARCH 1, 2002

MEMBERS PRESENT:

Cheryl A. Hug-English, M.D., President
Jaculine C. Jones, Ed.D., Vice President
Paul A. Stewart, M.D.
Donald H. Baepler, Ph.D., D.Sc.
Robin L. Titus, M.D.
Sohail U. Anjum, M.D.
Stephen K. Montoya, M.D.

MEMBER ABSENT:

Marlene J. Kirch

STAFF PRESENT:

Larry D. Lessly, J.D., Executive Director
Maureen E. Lyons, Deputy Executive Director
Richard J. Legarza, J.D., General Counsel
Robert A. Frantz, Financial Manager

ALSO PRESENT:

Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney General
Michael J. Garcia, R.R.T., Practitioner of Respiratory Care Advisory Committee Member
John B. Lanzillotta, P.A.-C, Physician Assistant Advisory Committee Member (*arrived to meeting at 5:50 p.m.*)

AGENDA ITEM 1

Call to Order and Announcements - Cheryl A. Hug-English, M.D., President

The meeting was called to order by Cheryl A. Hug-English,
President, at 3:25 p.m.

AGENDA ITEM 2

Approval of Minutes

- November 30 & December 1, 2001 Board Meeting - Open/Executive Sessions
- December 27, 2001 Board Meeting - Open/Executive Sessions

Dr. Baepler moved to accept the minutes of the November 30 & December 1, 2001 Board Meeting - Open/Executive Sessions, with the amendment under Agenda Items 9 and 10 of the Open Session minutes adding language to indicate that Dr. Lubritz was not present to adjudicate the matters, and the December 27, 2001 Board Meeting - Open/Executive Sessions. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 3

Consideration of Request of Rodney G. Handsfield, M.D. for Removal of Restrictions from His License No. 5354 to Practice Medicine in the State of Nevada

Mr. Lessly advised that Dr. Handsfield had withdrawn his request just prior to this meeting.

AGENDA ITEM 4

Consideration of Petition by Forensic Pathology Services for Advisory Opinion on Whether Unsupervised Autopsy Technicians Independently Conducting External Autopsy Inspections and Complete Eviscerations Constitutes the Practice of Medicine Without a License

Mr. Legarza advised that Forensic Pathology Services, A Division of Sierra Pathology Associates, Inc., is concerned about “autopsies” currently being performed by a “toll-free nationwide” autopsy service in Las Vegas using the following methods:

1. The autopsy service obtains a formal legal autopsy consent and payment from the entity requesting the autopsy (family, hospital, private physician, attorney);
2. They arrange with a local funeral home for an autopsy date and time;
3. A representative comes in from California, who is a non-physician, non-licensed autopsy assistant;
4. That person conducts a full evisceration at the funeral home in Las Vegas and then either carries or ships the evisceration specimens to California; and
5. A party in California, presumably a licensed physician, then performs some sort of study of the eviscerated specimens and generates a full written autopsy report.

Mr. Legarza referred to his proposed advisory opinion in the agenda book and advised that the methods, as described, constitute the practice of medicine in Nevada. He added that no Nevada licensed physicians are present during the performance of the eviscerations.

Dr. Stewart moved to approve Mr. Legarza's written advisory opinion - that the methods, as described, used by the "toll-free nationwide" autopsy service in Las Vegas constitute the practice of medicine in Nevada. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

The board directed Mr. Legarza to open an investigative file on this matter.

AGENDA ITEM 5

Consideration of Petition by Edwin P. Homansky, M.D. for Advisory Opinion on His Directorship of the Mobile Healthcare Program Proposed by American Medical Response - Las Vegas

Dr. Hug-English directed members to the proposed advisory opinion written by Mr. Legarza in the agenda book. She summarized the opinion, stating that Dr. Homansky's proposed remote supervision of medical assistants would violate the Nevada Medical Practice Act, as the only persons allowed to act as physician extenders are physician assistants and advanced practitioners of nursing.

Jim Wadhams, attorney for Dr. Homansky, appeared before the board and advised that the medical assistants would be providing basic first aid (such as applying band-aids) and making injury assessments, only, and would be in contact with the physician by telephone. He asked the board whether this activity would rise to the level of the practice of medicine.

Discussion ensued.

Dr. Lubritz moved to approve Mr. Legarza's written advisory opinion.

Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 6

Legal Reports - Richard J. Legarza, J.D., General Counsel
Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney General
- Board Ordered Terms, Conditions and Probation Status

Mr. Legarza advised that all those licensees on board ordered terms, conditions or probation are in compliance.

Mrs. Bible advised that in the matter of Phillip M. Milgram, M.D.'s appeal of the board's disciplinary action taken against him, the Motion to Dismiss she filed was granted.

AGENDA ITEM 7

Reports

- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation

- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C

- Appointment of New Member to Replace Resigning Member Susan M. Morgan, P.A.-C

- Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, R.R.T.

- Investigative Committee - Joel N. Lubritz, M.D., Chairperson

- Secretary-Treasurer - Joel N. Lubritz, M.D., Secretary-Treasurer

- Legislative - Cheryl A. Hug-English, M.D., President

- **Diversion Program: *Annual Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation**

F. Victor Rueckl, M.D. appeared before the board on behalf of Ms. Bowers who was unable to come to the meeting due to illness. He reviewed for members the previously distributed Diversion Program Statistics annual report as of March 1, 2002. He reported that there are currently 85 program participants, including 65 M.D.s., and P.A.-Cs, and that 8 - 9 of the M.D.s. will successfully complete 5-year contracts during the next few months. He added that for the first time in the history of the program, there are more M.D. participants in southern than in northern Nevada, due to the success of the program in southern Nevada. Dr. Rueckl concluded by advising that the program's overall success rate is 90%.

- **Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, R.R.T.**

Mr. Garcia reported that a letter has been written by the Nevada Society for Respiratory Care to the board thanking board and staff for the excellent work performed in accomplishing the licensing of 662 practitioners of respiratory care in a 90-day time period.

- **Secretary-Treasurer - Joel N. Lubritz, M.D., Secretary-Treasurer**

Mr. Frantz distributed the board's *Profit & Loss Budget vs. Actual for July 2001 through June 2002* and *Balance Sheet as of March 1, 2002*, and reviewed them for the board. He reported that the board's financial status is good.

- Legislative - Cheryl A. Hug-English, M.D., President

Dr. Hug-English reported on two issues for which she and Mr. Lessly recently went to the Legislature:

- 1) Committee on Medical Errors - She stated that the committee was formed to study what constitutes a medical error, and who is responsible for identifying and reporting medical errors. She advised that she reported to the committee, on behalf of the board, of the role the board plays concerning medical errors. She added that there should be no committee recommendations that will directly affect the board, and the final committee opinion will be available in April 2002.
- 2) Task Force on Suicide Prevention - She advised that the task force was considering mandating that the board require continuing medical education in the area of suicide prevention. She stated that she spoke on behalf of the board on this issue at the Legislature and advised the Legislature that while suicide prevention is an important issue, mandating continuing medical education would not be the best method to use to educate physicians on this issue. She added that the issue continues in committee stage.

AGENDA ITEM 8

Executive Staff Report - Larry D. Lessly, J.D., Executive Director

- Maureen E. Lyons, Deputy Executive Director
- Robert A. Frantz, Financial Manager
- Consideration of Requests for Member and Staff Attendance at Educational Meetings
- Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's Public Service Announcement Program for April 1 through June 30, 2002
- Consideration of Video Conferencing Meetings of the Board
- Status of Printing of NRS Chapter 630 and NAC Chapter 630 for Distribution to Licensees
- Status of Enhancements to Board's Web Site – www.state.nv.us/medical/ (Profiling)
- Status of Upgrade to Office Telephone System
- Request by the Federation of State Medical Boards of the United States, Inc. for USMLE Test Development Item Writers
- Informational Items

- Consideration of Requests for Member and Staff Attendance at Educational Meetings

Mr. Lessly confirmed the following members' and staff's attendance at the Federation of State Medical Boards of the United States, Inc.'s annual meeting: Dr. Hug-English, Dr. Jones, Dr. Stewart, Dr. Baepler, Dr. Titus, Mrs. Kirch, Mr. Lessly, Mrs. Lyons, Mr. Legarza and Mr. Frantz, and advised that the board had approved their attendance at its December meeting. He requested board approval to allow Arne D. Rosencrantz, former member of the board, to attend the meeting as a board member emeritus.

- Informational Items

Mr. Lessly advised that he recently received the preliminary 2001 disciplinary action statistical report from the Federation of State Medical Boards of the United States, Inc.'s. He stated that the report shows a rise in Nevada's disciplinary actions in 2001 over 2000.

- Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's Public Service Announcement Program for April 1 through June 30, 2002

Mr. Lessly advised that Dr. Montoya recently completed the Spanish-speaking public service announcement for the board. The board thanked Dr. Montoya for his time and effort.

Dr. Stewart moved to continue the board's contract with Nevada Broadcaster's Association for the period April 1 through June 30, 2002, at a cost of \$5,000.00 per month. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Request by the Federation of State Medical Boards of the United States, Inc. for USMLE Test Development Item Writers

Mr. Lessly asked whether any members would be interested in writing test questions for the USMLE for the Federation of State Medical Boards of the United States, Inc.

Dr. Anjum advised Mr. Lessly that he would be interested in such an endeavor.

- Consideration of Video Conferencing Meetings of the Board

Mr. Lessly reminded members that the Clark County Medical Association had requested that the board consider video conferencing its meetings. He added that Mr. Frantz researched the matter for the board.

Mr. Frantz distributed information packets containing the costs involved in video conferencing meetings and explained the process involved when video conferencing. Discussion ensued.

By consensus, the board members decided to take no action concerning video conferencing at this time.

- Status of Printing of NRS Chapter 630 and NAC Chapter 630 for Distribution to Licensees

Mr. Frantz reported that the covers for the booklets containing NRS chapter 630 and NAC chapter 630 will be a dark blue. He advised that the booklets will be completed by the state's printing office at the end of March 2002.

- Status of Enhancements to Board's Web Site – www.state.nv.us/medical/ (Profiling)

Mrs. Lyons reported that Kasey Miller, former board employee, continues to work on the "clean-up" of the disciplinary action information contained in the board's database, on a part-time employee basis. She advised that the Website licensee look-up feature project will be scheduled to be completed within this fiscal year.

- Status of Upgrade to Office Telephone System

Mrs. Lyons reported that the new system is in place. Discussion ensued and Dr. Stewart suggested that Mrs. Lyons research the possibility of adding additional lines to the system to alleviate the "busy" signal problem.

AGENDA ITEM 9

Discussion of Request by Washoe Medical Center Board of Trustees for the Nevada State Board of Medical Examiners to Conduct Criminal Background Checks When a Medical Doctor Applies for and Renews Registration of Nevada Licensure

A. William Carlson, M.D., Chairman of the Washoe Medical Center Board of Governors, appeared before the board with Betsy Vandeman of Washoe Medical Center's Medical Staff Services Department to speak on this agenda item. Dr. Carlson advised that the Washoe Medical Center Board of Trustees feels that criminal background checks should be conducted on Nevada physicians and the board would be the best entity to conduct the checks both on applicants for Nevada licensure and applicants for renewal of Nevada licensure. He added that as of November 2001, six states conduct such checks and several others are considering doing so.

Discussion ensued.

Dr. Hug-English advised that the board has the most stringent licensure requirements, very thorough licensure and renewal of licensure procedures, and feels that it is not missing anything from its licensing process. She thanked Dr. Carlson and Ms. Vandeman for bringing the matter to the board's attention.

AGENDA ITEM 13

Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status Approved Since the November 30 & December 1, 2001 Board Meeting

Dr. Stewart moved to ratify the licenses issued, and reinstatements of licensure and changes of licensure status approved since the November 30 & December 1, 2001 board meeting. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 18

Appearance by Representatives of the Clark County Medical Society to Discuss Clark County Medical Society/Board Relationship

- Raj R. Chanderraj, M.D., President, Clark County Medical Society

Mr. Lessly advised that the Clark County Medical Society has requested that its appearance before the board be delayed until the board's June meeting.

AGENDA ITEM 25

Matters for Future Agenda

Mr. Lessly advised that for the board's June meeting, the following are items for the agenda:

- 1) Annual evaluations of staff;
- 2) Discussion of any amendments to NRS 630 and NAC 630 for the next Legislative Session;
- 3) Election of board officers; and
- 4) Appointment of members to board committees.

He added that a meeting of the Internal Affairs Committee will be scheduled to be held sometime in May.

Mr. Lanzillotta arrived to the meeting at 5:50 p.m.

AGENDA ITEM 7 (CONTINUED)

Reports

- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C
 - Appointment of New Member to Replace Resigning Member Susan M. Morgan, P.A.-C
- Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, R.R.T.
- Investigative Committee - Joel N. Lubritz, M.D., Chairperson
- Secretary-Treasurer - Joel N. Lubritz, M.D., Secretary-Treasurer
- Legislative - Cheryl A. Hug-English, M.D., President

- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C

Mr. Lanzillotta reported that Susan M. Morgan, P.A.-C, member of the Physician Assistant Advisory Committee to the Board, has moved from Nevada and, therefore, has resigned her membership on the committee. He introduced Brian S. Lauf, P.A.-C and requested that the board consider appointing Mr. Lauf as Ms. Morgan's replacement. Mr. Lanzillotta stated that Mr. Lauf has resided in Nevada since 1980, currently works at a rural health clinic in Fernley in family practice, is currently the President of the Nevada Academy of Physician Assistants, and currently serves as a member of the House of Delegates of the National Academy of Physician Assistants.

Dr. Titus moved to appoint Brian S. Lauf, P.A.-C as a member to the Physician Assistant Advisory Committee to the Board. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 20
Public Comment

There was no public comment.

RECESS

Dr. Hug-English recessed the meeting for the evening at 6:05 p.m.

SATURDAY, MARCH 2, 2002

MEMBERS PRESENT:

Cheryl A. Hug-English, M.D., President
Jaculine C. Jones, Ed.D., Vice President
Paul A. Stewart, M.D.
Donald H. Baepler, Ph.D., D.Sc.
Robin L. Titus, M.D.
Sohail U. Anjum, M.D.
Stephen K. Montoya, M.D.

MEMBER ABSENT:

Marlene J. Kirch

STAFF PRESENT:

Larry D. Lessly, J.D., Executive Director
Maureen E. Lyons, Deputy Executive Director
Richard J. Legarza, J.D., General Counsel
Robert A. Frantz, Financial Manager
Helena J. Teeple, Administrative Assistant
Carolyn Castleman, Credentialing Specialist

ALSO PRESENT:

Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney
General
Michael J. Garcia, R.R.T., Practitioner of Respiratory Care
Advisory Committee Member (*left meeting at 11:45*

a.m.)

John B. Lanzillotta, P.A.-C, Physician Assistant Advisory
Committee Member (*left meeting at 11:45 a.m.*)

Dr. Hug-English reconvened the meeting at 8:35 a.m.

AGENDA ITEM 7 (CONTINUED)

Reports

- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C
 - Appointment of New Member to Replace Resigning Member Susan M. Morgan, P.A.-C
- Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, R.R.T.
- Investigative Committee - Joel N. Lubritz, M.D., Chairperson
- Secretary-Treasurer - Joel N. Lubritz, M.D., Secretary-Treasurer
- Legislative - Cheryl A. Hug-English, M.D., President

- Investigative Committee - Joel N. Lubritz, M.D., Chairperson

Dr. Lubritz reported that at its meeting, the committee filed seven formal complaints. He distributed the 91 cases recommended for closure by the Investigative Committee for members' review and consideration for closure.

Dr. Stewart moved to close the cases recommended for closure by the Investigative Committee. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 10
Acceptance of Applications for Medical Licensure

Executive Session

Dr. Montoya moved to go into Executive Session to discuss the character and professional competence of applicants for licensure. The motion was seconded by Dr. Baepler, and it passed unanimously.

10 (a) Mahesh Patel, M.D.

Upon returning to Open Session, Dr. Titus moved to accept Mahesh Patel, M.D.'s application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to return to Executive Session for the same purposes stated before. Dr. Baepler seconded the motion, and it passed unanimously.

10 (b) Henry Stachura, M.D.

Upon returning to Open Session, Dr. Baepler moved to deny Henry Stachura, M.D.'s application for licensure. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English advised Dr. Stachura that when he appeared before the board on August 26, 2000, for consideration of acceptance of his application for limited licensure, he was told at that time that the board's acceptance of his application for limited licensure did not in any way guarantee that the board would grant him an unrestricted license to practice medicine in Nevada in the future.

Open Session

10 (c) Robert Chancellor, M.D.

Dr. Stewart questioned Robert Chancellor, M.D., who appeared before the board with his attorney. Dr. Chancellor responded to questions concerning his activities since his last appearance before the board on June 2, 2001, for acceptance of his application for licensure. He advised that, as suggested by the board during his last appearance, he underwent a psychological exam and successfully completed the Physician Assessment and Clinical Education (PACE) program through the University of California in San Diego.

Discussion ensued concerning the results of Dr. Chancellor's psychological examination, which indicated that should he be granted licensure it should be with restraints and he should only practice under supervision. Dr. Chancellor's attorney advised that Dr. Chancellor would be willing to have conditions placed on his licensure, should the board accept his application.

Dr. Chancellor waived the Nevada Open Meeting Law requiring a 21-day notice to be heard in Executive Session, so that the board may go into Executive Session to discuss his character and professional competence.

Dr. Stewart moved to return to Executive Session for the same purposes stated before. The motion was seconded by Dr. Jones, and it passed unanimously.

Upon returning to Open Session, Dr. Stewart moved to accept Robert Chancellor, M.D.'s application for licensure with restrictions to remain in effect for a period of five years as follow: 1) restricted to the practice of Otolaryngology, excluding surgery; 2) practice only under the supervision of a physician licensed by the Nevada State Board of Medical Examiners; 3) quarterly reports must be provided to the board by the supervising physician indicating Dr. Chancellor's progress in the practice of Otolaryngology; 4) no night work for a six month period; 5) no moonlighting outside of the supervising physician's Otolaryngological practice; and 6) must enter into a contract with the board's Diversion Program for a minimum of five years. Dr. Anjum seconded the motion, and it passed, with Dr. Stewart, Dr. Baepler and Dr. Titus voting against the motion, and the Chair voting in favor of the motion.

AGENDA ITEM 11

Approval of Change of Medical Licensure Status from Inactive to Active

Executive Session

Dr. Montoya moved to return to Executive Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

11 (d) Robert Selkin, M.D.

Upon returning to Open Session, Dr. Titus moved to table consideration of Robert Selkin, M.D.'s application for licensure and to refer the matter to the Investigative Committee for investigation. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to return to Executive Session for the same purposes stated before. Dr. Lubritz seconded the motion, and it passed unanimously.

11 (e) Maiyoor Vidyasagar, M.D. *(Tabled from the November 30 & December 1, 2001 meeting)*

Upon returning to Open Session, Dr. Titus moved to deny Maiyoor Vidyasagar, M.D.'s application for licensure based on his falsification of his application for renewal of his Nevada medical license per NRS 630.304(1). Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 12

Acceptance of Applications for Practitioner of Respiratory Care Licensure

Executive Session

Dr. Lubritz moved to return to Executive Session for the same purposes stated before. Dr. Titus seconded the motion, and it passed unanimously.

12 (f) Mitchell Adams, C.R.T.

Upon returning to Open Session, Dr. Baepler moved to accept Mitchell Adams, C.R.T.'s application for licensure. Dr. Lubritz seconded the motion, and it passed, with Dr. Titus voting against the motion, and the Chair voting in favor of the motion.

Dr. Baepler moved to return to Executive Session for the same purposes stated before. Dr. Lubritz seconded the motion, and it passed unanimously.

12 (g) Rudivar Janolino, C.R.T.

Upon returning to Open Session, Dr. Montoya moved to table consideration of Rudivar Janolino, C.R.T.'s application for licensure until such time that: 1) the pending criminal charges against him are resolved; 2) letters of recommendation from his current employer are received by board staff; 3) he is interviewed by the board's Diversion Program; and 4) he presents evidence indicating that he is participating in a domestic violence program. Dr. Titus seconded the motion, and it passed unanimously, and the Chair voting in favor of the motion.

Dr. Lubritz moved to return to Executive Session for the same purposes stated before. Dr. Baepler seconded the motion, and it passed unanimously.

12 (h) Cassandra Stapler, C.R.T.

Upon returning to Open Session, Dr. Lubritz moved to accept Cassandra Stapler, C.R.T.'s application for licensure. Dr. Titus seconded the motion, and it passed unanimously, and the Chair voting in favor of the motion.

Open Session

12 (i) Paul Healy, C.R.T.

Dr. Jones questioned Paul Healy, C.R.T., who appeared before the board to respond to questions concerning his affirmative answers to questions #6, 12, 17, 18, 19 and 21 on his application for licensure. She also questioned him concerning his alleged attempt to practice respiratory care without benefit of licensure and while smelling of alcohol on January 21, 2002.

Mr. Healy explained the circumstances surrounding his affirmative answers to the questions on his application and his attempt to work on January 21, 2002. He stated that, at that time, he had been in dire straits and needed the money. He added that he had not smelled of alcohol during the incident. Discussion ensued.

Dr. Baepler moved to table consideration of Paul Healy, C.R.T.'s application for licensure until such time that his alleged attempt to practice respiratory care without a license can be investigated and the board's Diversion Program conducts an evaluation of his situation and provides a report to board staff. Dr. Stewart seconded the motion, and it passed unanimously, and the Chair voting in favor of the motion.

AGENDA ITEM 17

Reconsideration of the Penalty Imposed on Count One of the Order in the Matter of the Nevada State Board of Medical Examiners vs. David Bennett Cohen, M.D., Case No. 98-7766-1, as Ordered by Clark County District Court, Case No. A397019 Dept No. VIII

Adjudicating Board Members: Cheryl A. Hug-English, M.D., President; Paul A. Stewart, M.D.; Donald H. Baepler, Ph.D., D.Sc.; Robin L. Titus, M.D.; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Stephen K. Montoya, M.D.

Dr. Hug-English confirmed that all adjudicating members were present and prepared to adjudicate the matter of the reconsideration of the penalty imposed on count one of the Order in the matter of the Nevada State Board of Medical Examiners vs. David Bennett Cohen, M.D., Case No. 98-7766-1, as ordered by Clark County District Court, Case No. A397019 Dept No. VIII, except Marlene J. Kirch who was absent from the meeting. Dr. Cohen's attorney was present at the meeting for this agenda item.

Dr. Baepler moved to go into Executive Session to deliberate on count one of the Order. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Dr. Titus moved to uphold the penalty previously imposed on count one and order that Dr. Cohen pay a fine in the amount of \$500.00, receive a public reprimand and pay all costs associated with the investigation and prosecution of the case against him in the amount of \$5,678.00. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

RECESS

Dr. Hug-English recessed the meeting for lunch at 1:55 p.m. She reconvened the meeting at 2:30 p.m.

AGENDA ITEM 14

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. James E. Harris, P.A.-C, Case No. 01-231-1

Adjudicating Board Members: Cheryl A. Hug-English, M.D., President; Jaculine C. Jones, Ed.D., Vice President; Paul A. Stewart, M.D.; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Stephen K. Montoya, M.D.

Dr. Hug-English confirmed that all adjudicating members were present and prepared to adjudicate the matter of the Nevada State Board of Medical Examiners vs. James E. Harris, P.A.-C, Case No. 01-231-1, except Marlene J. Kirch who was absent from the meeting.

The adjudicating members deliberated on counts one and two of the Complaint in Open Session. (Count three of the Complaint was the summary suspension of Mr. Harris' license and did not require action.)

Dr. Montoya moved to find James E. Harris, P.A.-C guilty of counts one and two of the Complaint. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

The adjudicating members deliberated on the possible sanctions which would be appropriate in this matter in Open Session.

Dr. Montoya moved to revoke the license to practice as a physician assistant in the state of Nevada of James E. Harris, P.A.-C and to order that he pay all costs associated with the investigation and prosecution of the case against him. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 15

Consideration of Acceptance of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Mahmoud Nemazee, M.D., Case No. 01-7898-1

Adjudicating Board Members: Cheryl A. Hug-English, M.D., President; Joel N. Lubritz, M.D., Secretary-Treasurer; Paul A. Stewart, M.D.; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Stephen K. Montoya, M.D.

Dr. Hug-English confirmed that all adjudicating members were present and prepared to consider acceptance of a Stipulation for Settlement in the matter of the Nevada State Board of Medical Examiners vs. Mahmoud Nemazee, M.D., Case No. 01-7898-1, except Marlene J. Kirch, who was absent from the meeting.

Discussion ensued in Open Session.

Dr. Stewart moved to accept the Stipulation for Settlement in the matter of the Nevada State Board of Medical Examiners vs. Mahmoud Nemazee, M.D., Case No. 01-7898-1. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 16

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Avi A. Ostrowsky, M.D., Case No. 01-7351-1

Adjudicating Board Members: Cheryl A. Hug-English, M.D., President; Joel N. Lubritz, M.D., Secretary-Treasurer; Paul A. Stewart, M.D.; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Stephen K. Montoya, M.D.

Dr. Hug-English confirmed that all adjudicating members were present and prepared to adjudicate the matter of the Nevada State Board of Medical Examiners vs. Avi A. Ostrowsky, M.D., Case No. 01-7351-1, except Marlene J. Kirch who was absent from the meeting.

The adjudicating members deliberated on the single count of the Complaint in Open Session.

Dr. Lubritz moved to find Avi A. Ostrowsky, M.D. guilty of the single count of the Complaint. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

The adjudicating members deliberated on the possible sanctions which would be appropriate in this matter in Open Session.

Dr. Stewart moved to suspend the license to practice medicine in the state of Nevada of Avi A. Ostrowsky for a period of thirty days, require that he complete eight hours of continuing medicine education in the area of medical ethics approved in advance by the Secretary-Treasurer within a ninety day time period, and order that he receive a public reprimand and that he pay all costs associated with the investigation and prosecution of the case against him. The motion failed for lack of a second.

Discussion ensued.

Dr. Lubritz moved to order that Avi A. Ostrowsky, M.D. pay a fine in the amount of \$5,000.00, receive a public reprimand, and pay all costs associated with the investigation and prosecution of the case against him. Dr. Anjum seconded the motion, and it passed unanimously, with Dr. Stewart voting against the motion and the Chair voting in favor of the motion.

ADJOURNMENT

Dr. Hug-English adjourned the meeting at 3:00 p.m.